

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**AMENDED TRIAL NOTICE AND
FINAL PRETRIAL ORDER**

The civil cases on the attached list are now scheduled for trial before Judge Susan Richard Nelson, beginning on **Monday, January 8, 2018 at 9:00 a.m.** The cases are listed in the order in which they will be tried. If a matter is resolved, the next case on the list should be prepared to proceed. Division 5 cases may be tried in the Duluth courthouse, and Division 6 cases may be tried in the Fergus Falls courthouse.

PRETRIAL CONFERENCE

A pretrial conference for the first case to be tried will be conducted by Judge Nelson in Courtroom 7B at the United States Courthouse, 316 North Robert Street, St. Paul, Minnesota, on **Friday, December 8, 2017 at 1:30 p.m.** All attorneys who will try the case must attend. The parties must also schedule a final settlement conference with the Magistrate Judge before the pretrial conference.

INSTRUCTIONS FOR ALL CASES

1. **Submitting Documents.** All documents must be filed electronically on CM/ECF and served on all parties, and two courtesy copies of every document must be delivered to the chambers of Judge Nelson. Judge Nelson prefers those courtesy copies to be three-hole punched and unstapled (and, if warranted, appropriately tabbed and within binders). Courtesy copies should be received in the clerk's office at the St. Paul courthouse *no later than 11:00 a.m. on the next working day* following filing.

2. **Trial Briefs.** Each party must file a trial brief by **Friday, November 10, 2017.** In its trial brief, a party must include the following information:

- a. **Trial Counsel.** The party must list the names, addresses, telephone numbers, and e-mail addresses of the attorney(s) who will try the case.
- b. **Jury/Non-Jury.** The party must state whether the case is to be tried to a jury or to the Court.
- c. **Length of Trial.** The party must provide a realistic estimate of the length of the trial, including, if applicable, jury selection and jury charge.

- d. **Jurisdiction.** The party must identify the basis for federal jurisdiction of each cause of action.
- e. **Facts.** The party must provide a brief summary of the facts that the party intends to prove at trial.
- f. **Claims or Defenses.** The party must briefly describe each cause of action — including, if applicable, each claim, counterclaim, and cross-claim — and any affirmative defenses that will be tried.
- g. **Unresolved Issues.** The party must identify any substantive, evidentiary, or procedural issues that remain unresolved. The party must briefly describe the party’s position on the unresolved issues and identify the primary legal authority on which the party relies.

3. Exhibits.

- a. By **Friday, November 3, 2017**, the parties must exchange lists of the exhibits that they intend to offer at trial and make those exhibits available to the other parties for examination and copying.
- b. Each party must file a list of its exhibits by **Friday, November 10, 2017**.
 - i. Use the Exhibit & Witness list form on the Court’s website, and list each exhibit separately, so that the exhibit’s admission into evidence may be easily recorded. Email a copy of the exhibit list, in word-processing format, to nelson_chambers@mnd.uscourts.gov.
 - ii. Plaintiff must mark its first exhibit as “P-1” and number the others sequentially. Defendant must mark its first exhibit as “D-1” and do likewise. The case number must appear on each exhibit.
 - iii. Only exhibits that are identified on the exhibit list and filed with the Court may be offered at trial, unless the omission is excused for good cause.
- c. Send **two courtesy copies** of the exhibits to chambers by **Friday, November 17, 2017**. **Original** exhibits must **not** be submitted with the pretrial papers.
 - i. One courtesy copy of all exhibits must be submitted in three-ring binders, appropriately divided and tabbed.
 - ii. One courtesy copy of all exhibits must be submitted in electronic format (e.g., cd or flash-drive). Please do not email trial exhibits to chambers.

4. **Witness Lists.** By **Friday, November 10, 2017**, each party must file a list of the names and addresses (city and state only) of the witnesses whom the party intends to call at trial, as well as a brief description of the substance of the expected testimony of each witness. No person who is not identified on a party's witness list may testify at trial, unless the omission is excused for good cause.

5. **Deposition Designations.**

- a. By **Friday, November 10, 2017**, the parties must exchange and file lists of the specific deposition testimony that they intend to offer at trial. No deposition testimony that is not identified on a party's list may be offered at trial, unless the omission is excused for good cause.
- b. Objections to deposition designations must be exchanged and filed by **Friday, November 17, 2017**.

6. **Motions in Limine.** All motions in limine must be filed by **Friday, November 10, 2017**, and responses to all such motions must be filed by **Friday, November 17, 2017**. Each motion in limine must be limited to one discrete issue. No brief in support of, or in opposition to, any motion in limine may exceed 3,000 words. No reply brief may be submitted with respect to any motion in limine without the prior permission of the Court.

7. **Stipulations and Settlement.** The parties are strongly encouraged to meet in advance of trial, to make every effort to settle the case, and, if settlement is not reached, to make every effort to agree on as many trial-related matters as possible, such as facts that may be treated as established and exhibits that may be treated as authentic.

8. **Courtroom Technology.** The courtroom is fully equipped with an evidence presentation system which includes a digital document camera, audio and video players and laptop connections. All exhibits are to be displayed using the courtroom technology. Training on the use of the courtroom technology systems is free and Judge Nelson requires that all attorneys involved in the litigation of a case complete at least an overview on use of the courtroom technology. Please contact Susan Del Monte, Judge Nelson's Courtroom Deputy, at 651-848-1970 to schedule training times prior to your trial date.

9. **Daily transcripts.** If any party intends to order daily transcripts of the trial, that party should contact Judge Nelson's court reporter, Heather Schuetz, as soon as possible, so that she can make arrangements for other court reporters to assist her during the trial. Ms. Schuetz's email address is heather_schuetz@mnd.uscourts.gov.

ADDITIONAL INSTRUCTIONS FOR JURY TRIALS

1. **Proposed Voir Dire.** A party must file any questions that it requests the Court to ask prospective jurors during voir dire examination by **Friday, November 10, 2017**. The proposed voir dire must be e-mailed in word-processing format to nelson_chambers@mnd.uscourts.gov.

2. **Joint Introduction to the Case.** By **Friday, November 10, 2017**, the parties must **jointly** file a proposed introduction to the case that Judge Nelson can read to prospective jurors during voir dire. The introduction should briefly describe the parties, the major issues, the plaintiff's position, and the defendant's position. The joint introduction to the case must be e-mailed in a word-processing format to nelson_chambers@mnd.uscourts.gov.

3. **Joint List of Parties, Attorneys, and Witnesses.** By **Friday, November 10, 2017**, the parties must **jointly** file an *alphabetized* list of the names of all parties, attorneys, and witnesses. Judge Nelson may provide that list to prospective jurors during voir dire. The joint list of parties, attorneys, and witnesses must be e-mailed in a word-processing format to nelson_chambers@mnd.uscourts.gov.

4. **Proposed Jury Instructions.**

- a. No later than **Friday, November 3, 2017**, the parties must exchange proposed jury instructions. The parties must then meet and confer and make every effort to resolve disagreements over those proposed instructions.
- b. The parties must **jointly** file **one** set of proposed jury instructions by **Friday, November 10, 2017**. The proposed instructions must be e-mailed in a word-processing format to nelson_chambers@mnd.uscourts.gov.
 - i. Each proposed instruction must be numbered, appear on a separate page, and identify supporting legal authority.
 - ii. Instructions or parts of instructions on which the parties agree must appear in plain Roman type.
 - iii. If a party seeks (over objection) to have language added to or deleted from an instruction, the proposed change must be noted in boldface or italics, and a brief description of the party's position and the primary legal authority on which the party relies must be provided.

5. **Proposed Special Verdict Form.** The parties must attempt to agree on a proposed special verdict form. If they succeed, that form must be filed by **Friday, November 10, 2017**. If they do not succeed, the parties must file their own proposed forms by **Friday, November 17, 2017**. The proposed special verdict forms (whether

submitted jointly or individually) must also be e-mailed in a word-processing format to nelson_chambers@mnd.uscourts.gov.

Dated: September 6, 2017

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge

Civil Trial Calendar Commencing **January 8, 2018** at **9:00 a.m.**
Before Judge Susan Richard Nelson

1. *Jessica Leah Kampschroer, et al.* Case No. 13-cv-2512 (SRN/TNL)

v. JURY TRIAL in St. Paul – 5 days
Courtroom 7B, U.S. Courthouse
Anoka County, et al. 316 N. Robert Street, St. Paul MN

For Plaintiff:	Jonathan A. Strauss	612-756-7100
	Lorenz F. Fett, Jr.	612-756-7100
	Robin M. Wolpert	612-756-7100
	Sonia L. Miller-Van Oort	612-756-7100
	Jeffrey M. Montpetit	612-333-4500
	Marcia K. Miller	612-333-9781
	Susan Holden	612-333-4500

For Defendants Cities of	Stephanie A. Angolkar	952-548-7200
Bloomington, Farmington,	Jon K. Iverson	952-548-7200
Maple Grove, and Woodbury:	Susan M. Tindal	952-548-7200

For Defendant Hennepin	Toni A. Beitz	612-348-8533
County:	Daniel D. Kaczor	612-348-8301
	Beth A. Stack	612-543-1357

For Defendants Counties of	Joseph E. Flynn	651-290-6500
Crow Wing, Mille Lacs, and	Robert I. Yount	651-290-6500
Wright:		

2. *Jason Johnston* Case No. 15-cv-3685 (SRN/SER)

v. JURY TRIAL in St. Paul – 9 days
Courtroom 7B, U.S. Courthouse
BNSF Railway Company 316 N. Robert Street, St. Paul MN

For Plaintiff:	Jon M. Moyers	406-655-4900
	Kathryn Kohn Troidahl	612-597-3899

For Defendant:	Timothy R. Thornton	612-977-8550
	Tara Reese Duginske	612-977-5837

Civil Trial Calendar Commencing **January 8, 2018 at 9:00 a.m.**
Before Judge Susan Richard Nelson

3. ***Brian Thomas Hoyland***

Case No. 14-cv-2977 (SRN/KMM)

v.

JURY TRIAL in St. Paul – 4 days
Courtroom 7B, U.S. Courthouse
316 N. Robert Street, St. Paul MN

Shawn McMenomy, et al.

For Plaintiff:

Frederick J. Goetz

612-874-1552

For Defendants:

Jon K. Iverson

952-548-7204

Brian P. Taylor

952-548-7215

Jason M. Hiveley

952-548-7209